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ERIK ZUNIGA-MANZO

**UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
)
vs.)
)
ERIK ZUNIGA-MANZO,)
KEVIN ZUNIGA)
ALEXANDER CINTRON)
CARLOS IBARRA)
ARLEN IRIAS)
)
Defendants.)

Case No: 2:22-cr-134-APG-BNW

**STIPULATION TO CONTINUE
SENTENCING
(Third Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between ERIK ZUNIGA-MANZO, Defendant, by and through his counsel DAN M. WINDER, ESQ., and the United States of America, by MELANEE SMITH, Assistant United States Attorney, that the sentencing for ERIK ZUNIGA-MANZO, currently scheduled for February 4, 2025 at 2:00 p.m., in the above-captioned matter be vacated and continued for 90 days or to a date and time to be set by this Honorable Court

This Stipulation is entered into for the following reasons:

1. Counsel for the Defendant needs addition time to obtain a copy of the PSI in order to prepare Sentencing Memorandum.
2. The Defendant is not incarcerated and does not object to the continuance.
3. The parties agree to the continuance.
4. The additional time requested herein is not sought for purpose of delay, but merely to allow counsel for Defendant sufficient time to obtain a PSI to prepare a Sentencing Memorandum.

1 5. Currently there is a case pending before the 9th Circuit Court of Appeal regarding
2 constitutionality of an ex-felon in possession statute.

3 6. Additionally, denial of this request for continuance could result in a miscarriage of
4 justice. The additional time requested by this Stipulation is excludable in computing the time within
5 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
6 Code, Section 3161 (h)(7)(A), considering the factors under Title 18, United States Code, Section
7 3161 (h)(7)(b)(I), (iv).

8 This is the first request to continue Sentencing filed herein.

9 DATED this 9th day of January, 2025

10
11 DAN M. WINDER, ESQ.
12 Counsel for Defendant

SUE FAHAMI
Acting United States Attorney

13
14 /s/Dan M. Winder
DAN M. WINDER, ESQ.

/s/Melanee Smith
MELANEE SMITH
Assistant United States Attorney

**UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

vs.

ERIK ZUNIGA-MANZO,
KEVIN ZUNIGA
ALEXANDER CINTRON
CARLOS IBARRA
ARLEN IRIAS

Defendants.

Case No: 2:22-cr-134-APG-BNW

**STIPULATION TO CONTINUE
SENTENCING
(First Request)**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the Defendant needs addition time obtain a copy of the PSI in order to prepare Sentencing Memorandum.

2. The Defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purpose of delay, but merely to allow counsel for Defendant sufficient time to obtain a PSI to prepare a Sentencing Memorandum.

5. Currently there is a case pending before the 9th Circuit Court of Appeal regarding constitutionality of an ex-felon in possession statute.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), considering the factors under Title 18, United States Code, Section 3161 (h)(7)(b)(I), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granted said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), considering the factors under Title 18, United States Code, Section 3161 (h)(7)(b)(I), (iv).

ORDER

IT IS FURTHER ORDERED that the Sentencing currently scheduled for February 4, 2025 at 2:00 p.m., be vacated and continued to May 13, 2025 at the hour of 1:30 p.m. in Las Vegas Courtroom 6C.

Given that Mr. Winder has already had several months to obtain a copy of the PSI, no further extensions will be granted absent extraordinary circumstances.

IT IS SO ORDERED:

Dated: January 23, 2025



ANDREW P. GORDON
CHIEF UNITED STATES DISTRICT JUDGE